

COMPATIBILITY DETERMINATION

Use: COMMERCIAL RECORDING (Photography, Videography, Filming, and Audio Recording)

Refuge Name: Squaw Creek National Wildlife Refuge

Establishing and Acquisition Authorities: Executive Order No. 7156, August 23, 1935.

Refuge Purpose(s): "...as a refuge and breeding ground for migratory birds and other wildlife." 16 USC 715d (Migratory Bird Conservation Act)

"...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 USC 715d (Migratory Bird Conservation Act)

"...suitable for –(1) incidental fish and wildlife-oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species..." 16 USC 460k-1

"...the Secretary...may accept and use...real...property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors..." 16 USC 460k-2 (Refuge Recreation Act (16 USC 460k-460-k), as amended).

National Wildlife Refuge System Mission: "To administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans."

Description of Use:

What is the use? This compatibility determination (CD) evaluates the photography, videography, filming, and audio recording (collectively referred to as "recording") on Squaw Creek National Wildlife Refuge; conducted of natural, historic, or cultural subjects for commercial use. Commercial recording typically involves creating a documentary film, movie, or educational film, taking still photographs, or recording wildlife sounds that are intended to be sold for income or revenue or traded for goods or services. This CD does not apply to bona fide news media activities or developing news stories. Commercial still photography that takes place in open areas during normal operating hours does not require a Special Use Permit, as long as it does not include models, decoys, sets, or props.

Commercial recording will be restricted to areas determined by the Refuge Manager but generally along roads open to public. Access to other areas for recording will be managed via Special Use Permit (SUP), but will always be confined to established roads and trails for access with motorized vehicles. Off-trail access by foot to other areas of the Refuge within permitted areas is acceptable via SUP, subject to Refuge Manager approval.

Is the use a wildlife-dependent public use? Yes, the recording of flora and fauna is a wildlife-dependent public use.

Where is the use conducted? Recording of natural, historic, or cultural subjects could occur along trails, roads, and dikes throughout the refuge. Special needs will be considered on a case-by-case basis and subject to the Refuge Manager approval. Commercial still photography that takes place in open areas

during normal operating hours does not require a Special Use Permit, as long as it does not include models, decoys, sets, or props.

When is the use conducted? The refuge is open throughout the year and recording may occur anytime during the year depending on the topic to be documented. Access to record will be governed by Special Use Permit and will occur during daylight hours only. Special provisions via Special Use Permit may be issued to allow entry one hour before sunrise to one hour after sunset.

How is the use conducted? Recording will be conducted from trails, dikes, and road accessed via vehicle or foot, using portable audio, camera, film, and video equipment. The use will typically be conducted by a recording crew (generally less than 5 people) who may or may not be accompanied by a refuge or other government employee (Service or state Department of Natural Resources/Department of Conservation). Portable blinds may be used with the utmost care and respect given to protect all refuge habitats. Boats will not be permitted but portable floating blinds will be considered on a case-by-case basis. All times of video, film, and audio recording will require pre-approval from the Refuge Manager and stipulations regarding refuge entry, access locations, and other required coordination will be articulated in the SUP under special conditions.

Why is the use being proposed? Squaw Creek National Wildlife Refuge receives occasional requests to film wildlife, particularly for snow geese and bald eagles, for movies, documentary, and educational films. Wildlife observation and wildlife photography are priority public uses on National Wildlife Refuges. Allowing appropriate commercial recording on the refuge will allow a greater segment of the public to enjoy the wonders of Squaw Creek National Wildlife Refuge while promoting the entire National Wildlife Refuge System. Quality commercial recordings can be an excellent educational and inspirational medium and this context is consistent with the goals of Squaw Creek National Wildlife Refuge and the National Wildlife Refuge System.

Availability of Resources: Roads, trails, and dikes are maintained for public and Service access and there is enough staffing and funding available to administer this activity.

Anticipated Impacts of the Use: Commercial recording activities could cause temporary disturbance to bald eagles, water birds, waterfowl, including snow geese, fish, and other wildlife. Disturbance is expected to be localized and of short duration. Wildlife disturbed generally have abundant cover and disturbance is likely to have impacts (fright and flight) of short duration. There may be some localized impacts to vegetation from trampling by foot or portable blind to record species. Any commercial recording will be allowed via Special Use Permit, with Refuge Manager approval. Special conditions in the permit will include, but not limited to, minimum distances to species, timing within the lifecycle of the flora/fauna, limits on size of film crews and equipment and number of visits to specific sites, equipment, fees, etc. Stipulations will be adapted to individual requests to minimize impacts to vegetation and wildlife and ensure that use is consistent with goals of Squaw Creek National Wildlife Refuge and the National Wildlife Refuge System.

Public Review and Comment: This compatibility determination will be posted for 14 days at the Refuge Headquarters Visitor Center, Squaw Creek National Wildlife Refuge website, and Mound City Library. Any comments will be reviewed.

Determination:

_____ Use is not compatible

 X Use is compatible with the following stipulations:

1. All applicable state and federal regulations apply. The permittee is responsible for acquiring or renewing any necessary State and Federal permits prior to beginning or continuing their project.
2. Permittee(s), designated representatives, and associates shall comply with all refuge regulations and conditions of the SUP as provided by the Refuge Manager. Person(s) operating under this permit shall carry a copy of the SUP when conducting recording or related activities on the refuge, and display it upon request of refuge officials. Conditions within the SUP will minimize disturbance to refuge resources.
3. Permittee(s) will contact the Refuge Manager prior to commencement of work, preferably two weeks in advance to identify sensitive areas/wildlife species.
4. The Refuge Manager or designee can suspend, modify, or terminate any recording that is already permitted and in progress should unacceptable, unforeseen, or unexpected impacts or issues arise.
5. The Refuge Manager will provide requirements to reduce impacts to plants, wildlife, or other refuge visitors and address these in the special conditions of the SUP.
6. No clearing, removal, or damage of trees or vegetation is authorized.
7. No blinds, scaffolding, or other structures may be built on the refuge without Refuge Manager approval.
8. Permittee(s) and crews must follow public use regulations for the refuge and restricted areas as defined by signs and on maps, unless otherwise specified in the SUP.
9. The permittee will provide three (3) copies of the final product that can be used by Squaw Creek National Wildlife Refuge for interpretive and educational purposes. Copies should be sent to the headquarters address at the end of the production.
10. The final product must give credits to Squaw Creek National Wildlife Refuge and the National Wildlife Refuge System.

Justification: In accordance with the missions of the National Wildlife Refuge System, Squaw Creek National Wildlife Refuge, and the 1997 Refuge Improvement Act, this use has been determined compatible provided the above stipulations are implemented. This use will promote public awareness and stewardship of the refuge's natural, historical, and cultural resources. It does not materially interfere with or detract from the Service's ability to meet the mission of the National Wildlife Refuge System and administration of this use will require minor amounts of administrative time and funding.

NEPA Compliance for Refuge Use Decision (check one below)

- ☒ **Categorical Exclusion without Environmental Assessment**
- ☐ **Categorical Exclusion and Environmental Assessment**
- ☐ **Environmental Assessment and Record of No Decision**
- ☐ **Environmental Assessment and Finding of No Significant Impact**

Categorical exclusions are classes of actions which do not individually or cumulatively have a significant effect on the human environment. Commercial filming/recording can be categorically excluded from the EA process under Departmental Manual 516 DM 6 Appendix 1.4 Categorical Exclusions General section C (3), as outlined below.

Permit and Regulatory Functions

On August 22, 2013, the Department of the Interior published final regulations in the Federal Register on commercial filming, still photography, and audio recording applying to the Service, National Park Service (NPS), and the Bureau of Land Management (BLM). The regulations became effective September 23, 2013.

- The regulation governing commercial filming and still photography is found at 43 CFR part 5 subpart A.
- 50 CFR part 21.71 governs how the Service will manage audio recording.

Signature: **Refuge Manager:** _____
(Signature and Date)

Concurrence: **Regional Chief:** _____
(Signature and Date)

Mandatory 10 or 15 year Re-evaluation Date: 10/2025